

Closing session:

Theory and Practice of Public Administration and Policy

Sunday, 7 April 2013: 9.00 – 11.30

Professor Dr Paweł Swianiewicz, Department of Local Development and Policy, University of Warsaw, Poland

Europeanization in operation of local and regional governments

The article refers to Börzell and Risse concept of top-down Europeanization, which allows distinguishing between three levels of impact: *absorption*, *accommodation* and *transformation*. The main focus is on changes in operation of Polish local and regional governments, resulting from the access to EU funds. Results of three empirical research projects (related to implementation of regional operating programmes, urban renewal programmes and absorption of EU funds available for pre-school education) are analysed from the point of view of the impact of EU funds on (i) the administrative structures, (ii) priorities of local and regional policies as well as (iii) styles of policy preparation and implementation. The main conclusion is that thin learning processes are dominant (*absorption level*), but there are also cases of developments going into direction of a thick learning which reminds *transformation* in the meaning of Börzell and Risse theory.

Professor Dr Nenad Zakošek, Faculty of Political Science, University of Zagreb, Croatia

Civil society and the policy process in Croatia

In this paper I would like to give a preliminary inquiry into the modes in which civil society influences the policy process in Croatia. While there are studies which analyse the development of civil society in Croatia, there is less research into the ways how civic organisations and social movements participate in and interfere with policy-making. In this paper I will try to discuss the following theses:

- political mechanisms which determine the policy process in Croatia are underdeveloped and make insufficient use of expertise and policy networks which are rooted in civil society
- the policy process is based predominantly on informal rather than formal channels of interest intermediation
- the policy process is biased towards partisan and clientelist interest articulation, which allow for very limited influence of civil society
- Croatian civil society has developed a range of strategies with the aim to influence the policy process, from informal lobbying and public advocacy to protests, but it is generally more effective in exerting negative influence (preventing things to happen) rather than giving positive contributions to policy-making.

The theses will be illustrated by cases in which civic actors in certain ways influenced policy-making. As a conclusion I propose possible solutions which might improve the impact of civil society on the policy process and thus more generally alleviate acute deficiencies of policy-making in Croatia.

Wolfgang Rusch, formerly Principal Administrator in OECD/SIGMA, Paris, France

**Good Administration through a modernised system of administrative procedures:
Recent reform efforts in South-eastern European countries**

The challenge of reforming public administration has been substantial part of the political agenda of the South-eastern European countries on their way to join the European Union. Guiding principle for this reform process is the concept of Good Administration as it has emerged within the European Union and its Member States as a system of values stemming from the principles of rule of law, democracy and human rights.

The Charter of Fundamental Rights of the European Union proclaims in its Article 41 that every person has the right to Good Administration. Some key elements of this fundamental right are stated in the Charter itself, while other principles and standards of good administration derive from other EU legislation and judicature as well as from good administrative practice of EU Member States. Long-time experiences of administrative practice, supported by scientific elaboration also provide important contributions. The elements and standards of good administration represent part of the "non-formalised *acquis communautaire*" that has to be adopted by candidate countries to become EU member.

The implementation of the principles of Good Administration requires a well-designed and solid platform consisting of four components: i) a system of administrative procedures regulating the administrative decision-making process; ii) a clearly structured organisation of the public administration and its bodies in all policy areas and territorial levels; iii) professional, competent and independent personnel; and iv) a system of effective judicial control of administrative actions. Each of them is equally indispensable for good administrative practice.

This paper describes the recent efforts Albania, Croatia, Macedonia, Montenegro and Serbia made in order to put the principles of Good Administration into practice through an adequate system of administrative procedures. Such system ensures the quality of an administrative action as much as its legal correctness, while avoiding unnecessarily complicated, formalistic and lengthy processes. As a result of these reform efforts Croatia has adopted a new Law on General Administrative procedures (in force since 1st January 2010), Albania, Montenegro and Serbia introduced a draft of a new law into the legislative procedure; in Macedonia the process of drafting a legal text is expected to start in the beginning of 2013.

The paper will outline some key elements, which all the recent legislative solutions have in common. Further it will show for the four former Yugoslav countries how legislative novelties could be built on and integrated in a long, more than 80-year legal tradition that goes back to the famous Austrian administrative procedure law of 1925. The paper is closing with some methodological aspects of the law drafting process - in all of these countries the European Commission has been supporting the reform of administrative procedures by providing experts' assistance through the SIGMA programme - and with very practical proposals for preparing proper implementation of the new legislation during a period of *vacatio legis*.